Hiroshi ISHIHARA, S.N. 10/661,320
Page 17

Dkt. No. 2271/71058

REMARKS

The application has been reviewed in light of the Office Action dated January 25, 2008.

Claims 1-69 and 71 were pending, with claim 70 having previously been canceled, without prejudice

or disclaimer. By this Amendment, claims 1, 23, 46 and 58 have been amended to clarify the claimed

subject matter, without narrowing a scope thereof, and new claim 72 has been added. Accordingly,

claims 1-69, 71 and 72 are now pending, with claims 1, 23, 46 and 58 being in independent form.

Information Disclosure Statement filed on September 12, 2003

It is contended in the Office Action that applicant did not submit an English language

statement of JP2956390 and that applicant instead submitted two copies of JP06-150012 on

September 12, 2003.

However, as previously pointed out in the record, Japanese reference JP2956390 was

submitted with an English language abstract as the English language statement required under 37

C.F.R. 1.98. Reference JP2956390 is the Japanese patent granted based on Japanese application no.

04-302095 which was also published as Japanese application publication no. 06-150012.

The Examiner is invited to compare the alleged two copies of JP06-150012 submitted on

September 12, 2003. Applicant submits that it will be self-evident (from the second and subsequent

pages thereof) that one of the two copies is a copy of reference JP2956390, and that based on a

comparison of the drawings of JP06-150012 and JP2956390 that the references are substantially

similar.

Therefore, while the English language abstract submitted with Japanese reference JP2956390

is indicated on a face of the abstract as "06-150012", applicant submits that such abstract qualifies as

the required English language statement for Japanese reference JP2956390.

The Examiner is respectfully requested to consider reference JP2956390 in view of such

Hiroshi ISHIHARA, S.N. 10/661,320   Dkt. No. 2271/71058
Page 18

English language abstract and appropriately indicate in the record that reference JP2956390 has been

considered by the Examiner.

Rejections under 35 U.S.C. §103(a)

Claims 1-13, 17-22, 46-49, 55-61 and 67-69 were rejected under 35 U.S.C. §103(a) as

purportedly unpatentable over U.S. Patent 6,456,298 to Kunimasa et al. in view of Crosby et al.

(2005/0052469). Claims 23-35 and 39-45 were rejected under 35 U.S.C. §103(a) as purportedly

unpatentable over Kunimasa in view of Crosby and further in view of U.S. Patent No. 6,100,998 to

Nagao et al. Claims 14, 50-52 and 62-64 were rejected under 35 U.S.C. §103(a) as purportedly

unpatentable over Kunimasa in view of Crosby and further in view of Kato (US 2002/0132665 A1).

Claims 15, 16, 53, 54, 65 and 66 are rejected under 35 U.S.C. §103(a) as purportedly unpatentable

over Kunimasa and Crosby in view of Kato and further in view of U.S. Patent No. 6,100,998 to

Nagao et al.

Applicant has carefully considered the Office Action and the cited art, and respectfully

submits that independent claims 1, 23, 46 and 58 are patentable over the cited art, for at least the

following reasons.

The present application relates to improvements devised by applicant to drawing processing.

Applicant determined after substantial investigation that drawing processing can be optimized by

rendering invalid one or more graphical drawing instructions corresponding to a drawing process

that can be omitted (for example, if they are redundant or unnecessary) in order to reduce a number

of operations performed in the drawing process. Each of independent claims 1, 23, 46 and 58 of the

present application addresses these features, as well as additional features.

Kunimasa, as understood by applicant, proposes an image processing system wherein a

drawing instruction converting unit <u>converts</u> an input drawing instruction to a drawing object and a

Hiroshi ISHIHARA, S.N. 10/661,320   Dkt. No. 2271/71058
Page 19

drawing logical arithmetic process instruction and then stores these to a drawing object storing unit, and a drawing logical arithmetic process instruction determining unit determines whether the drawing logical arithmetic process instruction has content to be drawn without logical arithmetic process or not. In the system proposed by Kunimasa, when the drawing logical arithmetic process instruction is determined to have content to be processed without drawing logical arithmetic process, the drawing object converting unit converts the drawing logical arithmetic process instruction and drawing object to an instruction and a drawing object that do not require the drawing logical arithmetic process and *transfers the subsequent processes to another processing unit.*

Kunimasa does not teach or suggest *omission of drawing process corresponding to a graphical drawing instruction,* or *determining whether the drawing process corresponding to the graphical drawing instruction can or cannot be omitted based on a drawing attribute of a pattern corresponding to the graphical drawing instruction.*

Instead, Kunimasa teaches away from such omission or determination. That is, Kunimasa proposes that in appropriate circumstances drawing logical arithmetic process instructions and drawing objects are converted to instructions that do not require logical arithmetic processes but equivalently correspond to the same drawing process.

In addition, as acknowledged in the Office Action, Kunimasa does not disclose a selection unit that makes the graphical drawing instruction invalid if the drawing omission determination unit determines that the drawing process can be omitted, and makes other graphical instructions valid, wherein the graphical drawing instruction is made invalid, the drawing process corresponding to the graphical drawing instruction is not performed.

Crosby, as understood by applicant, proposes an approach for rendering and storing a low-resolution thumbnail image at an embedded imaging device, wherein an original digital negative is

captured at the embedded imaging device at an original resolution, a thumbnail digital image of the original digital negative is generated at a first resolution and is modified to form a resultant image or proxy image at the first resolution, and an edit list based upon the modification is generated and associated with the resultant image and linked to the original digital negative.

Crosby proposes that (i) if an input controller cannot access the original digital negatives or other parts described in the edit list or (ii) if an image processor cannot process the commands specified by the edit list then an image processor can directly output the originally inputted proxy image to the user even though the image has not been re-processed.

Crosby, paragraph [0077] - [0078] (reproduced below) was cited in the Office Action:

[0077] It should be noted that if the input controller 250 cannot access the original digital negative(s), other multi-media assets, or retrieve other parts as described in the edit list, the image processor 252 can, at the direction of the controlling application, *directly output the original inputted proxy image.* In this way, the user will still see a version of the output image, even though it has not been re-processed.

[0078] It should also be noted that if the image processor 252 cannot process the commands specified by the edit list processor 254 for what ever reason, the image processor 252 can, at the direction of the controlling application, *directly output the original inputted proxy image.* In this way, the user will still see a version of the output image, even though it has not been re-processed.

Thus, Crosby proposes that if an editing command cannot be performed then an image processor will simply not perform the editing command and instead directly output the original inputted proxy image without the image being re-processed.

It is contended in the Office Action that "Crosby's judging unit which judges whether or not the instructed editing operation is suitable for each of the plurality of items of image data is analogous with the current invention's determination unit determines that the drawing process can be omitted, and makes other graphical drawing instructions valid because both units determines if a drawing/editing instruction is valid or invalid and afterwards executes the valid instruction."

Hiroshi ISHIHARA, S.N. 10/661,320   Dkt. No. 2271/71058
Page 21

Crosby's approach is obvious since that which cannot (that is, is not able to) be done, of course, will not be done.

On the other hand, in the claimed subject matter the determination that is made is not of whether the drawing process can be performed or not, but rather whether the drawing process can or cannot be **omitted**.

Such determination is neither trivial nor analogous to determining whether a drawing process can be performed. Moreover, one skilled in the art would not have found it obvious to perform a determination of whether a drawing process can or cannot be **omitted** since omitting any part of drawing processing can have unexpected consequences, particularly with respect to other processes.

Applicant submits that Crosby does not render obvious determining whether drawing process corresponding to a graphical drawing instruction, out of a plurality of graphical drawing instructions, can or cannot be omitted based on a drawing attribute of a pattern corresponding to the graphical drawing instruction, and making a graphical drawing instruction invalid if it is determined that the drawing process corresponding to the graphical drawing instruction to be made invalid can be omitted, wherein the instruction made invalid is not performed.

Kato, as understood by applicant, proposes an approach for generating an object and an aiming mark on a display, in a video game. When a user moves an aiming mark, using a pointing device operated by the user, towards the area of a targeted object, the game machine automatically draws the user's aiming mark on that object. However, when the user continues to move the aiming mark beyond the target area, the machine will stop drawing the aiming mark on the target and go back to drawing the aiming mark where the user is actually pointing.

Nagao, as understood by applicant, proposes a print processor wherein print data is generated in description language from document or text data prepared by application programs, the print data

is parsed to generate tokens, the tokens are output, the received tokens are interpreted and drawing instructions are executed based on interpretation of the tokens.

Applicant submits that the cited art, even when considered along with common sense and common knowledge of one skilled in the art, does not render obvious determining whether drawing process corresponding to a graphical drawing instruction, out of a plurality of graphical drawing instructions, can or cannot be omitted based on a drawing attribute of a pattern corresponding to the graphical drawing instruction, and making a graphical drawing instruction invalid if it is determined that the drawing process corresponding to the graphical drawing instruction to be made invalid can be omitted, wherein the instruction made invalid is not performed.

Accordingly, applicant respectfully submits that independent claims 1, 23, 46 and 58, and the claims depending therefrom, are patentable over the cited art.

In view of the remarks hereinabove, Applicant submits that the application is now in condition for allowance, and earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any required fees, and to credit any overpayment, to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

Paul Teng, Reg. No. 40,837
Attorney for Applicant
Cooper & Dunham LLP
Tel.: (212) 278-0400